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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,223	12/17/2001	Gerald Francis McBrearty	AUS920010862US1	6252

7590 12/27/2004  
Mr. Volel Emile  
P.O. Box 202170  
Austin, TX 78720-2170

EXAMINER
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VITAL, PIERRE M

ART UNIT	PAPER NUMBER
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2188

DATE MAILED: 12/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/015,223

Applicant(s)

MCBREARTY ET AL.

Examiner

Pierre M. Vital

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 December 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. This Office Action is in response to Application No. 10/015,223 filed December 17, 2001. Claims 1-20 are pending in this application.
2. The specification and the claims have been examined with the results that follow.

#### ***Specification***

3. The disclosure is objected to because of the following informalities:  
  
In the "Cross-Reference to Related Applications" section, the Serial No. of the related application is missing.  
  
Appropriate correction is required.

#### ***Claim Objections***

4. Claim 6 is objected to because of the following informalities:  
  
In claim 6, line 1, before "readable", please change "cpmputer" to --computer--.  
  
Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-5 and 11-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Taylor et al. (US6,654,830).

As per claim 1, Taylor discloses a method of defining mirroring maps for use with different pieces of data comprising the steps of: creating the mirroring maps [*user build up storage in organized manner*; col. 27, lines 54-57]; naming the mirroring maps [*LUN maps are displayed as a list of names*; col. 29, lines 36-38]; and storing the names of the mirroring maps and the mirroring maps for future use with the different pieces of data [*LUN map is a list of names and their associated data*; col. 29, lines 36-37].

As per claim 2, Taylor discloses a mirroring map is used with a piece of data by associating the name of the mirroring map with the piece of data [*LUN map is a list of names and their associated data*; col. 29, lines 36-37].

As per claim 3, Taylor discloses existing mirroring maps may be displayed when selecting a mirroring map to associate with a piece of data [*LUN map will show the existing list of LUNS*; col. 29, lines 37-43].

As per claim 4, Taylor discloses a mirroring map may be created for facilitating striping a piece of data [*a stripe partition can be exported as one LUN*; col. 28, lines 5-8].

As per claim 5, Taylor discloses a partition may be specified when storing data in a mirroring map [*LUN map allows sorting*; col. 29, lines 36-43].

As per claim 11, Taylor discloses an apparatus for defining mirroring maps for use with different pieces of data comprising: means for creating the mirroring maps [*user build up storage in organized manner*; col. 27, lines 54-57]; means for naming the mirroring maps; and means for storing the names of the mirroring maps and the mirroring maps for future use with the different pieces of data.

As per claim 12, Taylor discloses a mirroring map is used with a piece of data by associating the name of the mirroring map with the piece of data [*LUN map is a list of names and their associated data*; col. 29, lines 36-37].

As per claim 13, Taylor discloses existing mirroring maps may be displayed when selecting a mirroring map to associate with a piece of data [*LUN map will show the existing*

*list of LUNS; col. 29, lines 37-43].*

As per claim 14, Taylor discloses a mirroring map may be created for facilitating striping a piece of data [*a stripe partition can be exported as one LUN; col. 28, lines 5-8].*

As per claim 15, Taylor discloses a partition may be specified when storing data in a mirroring map [*LUN map allows sorting; col. 29, lines 36-43].*

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 6-10 and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor et al. (US6,654,830).

As per claims 6 and 16, Taylor discloses the claimed invention as detailed per claims 1 and 11 above. However, Taylor does not specifically teach a computer program product on a computer readable medium comprising code for performing the steps of claim 6.

However, one of ordinary skill in the art would have recognized that a computer product (i.e., floppy, CD-ROM, etc.) carrying program instructions for implementing a

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method is generally well known in the art, because it would have facilitated the transportation and installation of the method on other systems. For example, a copy of the Microsoft Windows operating system can be found on a CD-ROM from which Windows can be installed onto other systems, which is a lot easier than running a long cable or hand typing the software into another system. The examiner takes Official Notice of this teaching. Therefore, it would have been obvious to one of ordinary skill in the art to put Taylor's program on a computer readable medium, because it would have facilitated the transporting, installing and implementing of Taylor's program on other systems.

As per claims 7 and 17, Taylor discloses a mirroring map is used with a piece of data by associating the name of the mirroring map with the piece of data [*LUN map is a list of names and their associated data*; col. 29, lines 36-37].

As per claims 8 and 18, Taylor discloses existing mirroring maps may be displayed when selecting a mirroring map to associate with a piece of data [*LUN map will show the existing list of LUNS*; col. 29, lines 37-43].

As per claims 9 and 19, Taylor discloses a mirroring map may be created for facilitating striping a piece of data [*a stripe partition can be exported as one LUN*; col. 28, lines 5-8].

As per claims 10 and 20, Taylor discloses a partition may be specified when storing data in a mirroring map [*LUN map allows sorting*; col. 29, lines 36-43].

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach.

10. The examiner requests, in response to this Office action, any reference(s) known to qualify as prior art under 35 U.S.C. sections 102 or 103 with respect to the invention as defined by the independent and dependent claims. That is, any prior art (including any products for sale) similar to the claimed invention that could reasonably be used in a 102 or 103 rejection. This request does not require applicant to perform a search. This request is not intended to interfere with or go beyond that **required** under 37 C.F.R. 1.56 or 1.105.

The request may be fulfilled by asking the attorney(s) of record handling prosecution and the inventors)/assignee for references qualifying as prior art. A simple statement that the query has been made and no prior art found is sufficient to fulfill the request. Otherwise, the fee and certification requirements of 37 CFR section 1.97 are waived for those documents submitted in reply to this request. This waiver extends only



to those documents within the scope of this request that are included in the application's first complete communication responding to this requirement. Any supplemental replies subsequent to the first communication responding to this request and any information disclosures beyond the scope of this are subject to the fee and certification requirements of 37 CFR section 1.97.

In the event prior art documentation is submitted, a discussion of relevant passages, figs., etc., with respect to the claims is requested. The examiner is looking for specific references to 102/103 prior art that identify independent and dependent claim limitations. Since applicant is most knowledgeable of the present invention and submitted art, his/her discussion of the reference(s) with respect to the instant claims is essential. **A response to this inquiry is greatly appreciated.**

11. The examiner also requests, in response to this Office action, support be shown for language added to any original claims on amendment and any new claims. That is, indicate support for newly added claim language by specifically pointing to page(s) and line no(s) in the specification and/or drawing figure(s). This will assist the examiner in prosecuting the application.


12. When responding to this office action, Applicant is advised to clearly point out the patentable novelty which he or she thinks the claims present, in view of the state of the art disclosed by the references cited or the objections made. He or she must also show how the amendments avoid such references or objections See 37 CFR 1.111(c).

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre M. Vital whose telephone number is (571) 272-4215. The examiner can normally be reached on 8:30 am - 6:00 pm, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mano Padmanabhan can be reached on (571) 272-4210. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

December 12, 2004

  
Pierre M. Vital  
Primary Examiner  
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